

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF TRANSPORTATION

In the Matter of the Application of Kay
Irene Zisk, d/b/a Kay's Budget Moving,
7769 Meadow View Trail, Lino Lakes,
MN 55014: Petition for Household
Goods Mover Permit Authority to
Transport Household Goods Between
All Points in Minnesota.

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ORDER CONTINUING HEARING

TO: Petitioner Kay Irene Zisk, President, Kay's Budget Moving, 7769 Meadow View Trail, Lino Lakes, Minnesota 55014; Douglas B. Bester, Manager, Bester Brothers Transfer and Storage Company, Inc. (hereinafter also referred to as "Bester Brothers"), 818 North Concord Street, South St. Paul, Minnesota 55075-1194; and Douglas T. Harrison, President, Harco Moving, Inc., 5350 N.E. Industrial Boulevard, Suite #1A, Fridley, Minnesota 55421.

WHEREAS, the above-entitled matter was scheduled for hearing on June 25, 1996 at 9:30 a.m. at the Administrative Truck Center Second Floor Hearing Room, 100 Stockyards Road, South St. Paul, Minnesota;

WHEREAS, Kay's Budget Moving was represented at the hearing by Ms. Kay Irene Zisk and Protestant Bester Brothers was represented by Mr. Douglas Bester and discussions and argument regarding the Petition were heard by the Judge;

WHEREAS, Ms. Zisk misunderstood the requirement that a petitioner produce witnesses who will testify in support of a need for the proposed transportation service and, therefore, requested that the hearing be continued to allow her an opportunity to obtain persons who will appear as witnesses and testify as to whether there is a need for the proposed transportation service, and the Judge, after hearing discussion on the request for continuance, ruled that a continuance would be granted to allow Ms. Zisk an opportunity to assemble witnesses supportive of her Petition;

WHEREAS, Bester Brothers indicated that it had no opposition to the continuance but requested that the continued hearing date be scheduled for approximately mid-October and requested that Petitioner be required to answer discovery requests that have been served upon Petitioner; and

WHEREAS, it is reasonable and appropriate to require Petitioner to respond to the discovery requests and continue the hearing in this matter;

NOW, THEREFORE, it is appropriate to enter the following:

ORDER

1. The hearing in the entitled matter shall be continued until October 16, 1996, at which time a hearing will be held at 9:30 a.m. at the Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis.

2. Petitioner shall respond on or before August 25, 1996 to the discovery requests contained in the letter dated June 11, 1996 from Bester Brothers.

Dated this 11th of July, 1996.

ALLEN E. GILES
Administrative Law Judge

AFFIDAVIT OF SERVICE BY U.S. MAIL

LaVon Regan, being first duly sworn, hereby deposes and says that on the 13th of November, 1996, at the City of Minneapolis, county and state aforementioned, she served the attached RECOMMENDED ORDER OF DISMISSAL; Docket No. 3-3001-10546-2, by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with first class postage prepaid and addressed to the individuals named herein.

Kay Irene Zisk
7769 Meadow View Trail
Lino Lakes, Minnesota 55014

Douglas B. Bester, Manager
Bester Brothers Transfer and Storage Co.
818 North Concord Street
South St. Paul, Minnesota 55075-1194

Douglas T. Harrison, President
Harco Moving, Inc.
5350 N.E. Industrial Boulevard, Suite #1A
Fridley, Minnesota 55421

Debra Ledvina, Esq.
Rail & Motor Carrier Proceedings
MN Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

LaVon Regan

Subscribed and sworn to before me
this 13th day of November, 1996.

Notary Public